

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES**

Wednesday, February 27, 2013

1. Call to Order:

Ms. Christine Hilton stated today's meeting would require an election of a Chairman pro-tem as Chair and Vice-Chair are excused for today's meeting; therefore:

MOTION WAS MADE BY COMMISSIONER STETLER, SUPPORTED BY COMMISSIONER BUSCHER, TO NOMINATE COMMISSIONER GODFREY AS ACTING CHAIR FOR TODAY'S MEETING.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

Acting Chairman John Godfrey called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Steve Barker	Chip Spranger
Dan Buscher	John Stetler
John Godfrey	Dave Walters

Members Excused: Jan Frantz, Preston Hicks & Mayor Susan Baldwin

Staff Present: Christine Hilton, Planning Supervisor
Jill Steele, Deputy City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of December 19, 2012.

MOTION WAS MADE BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER BUSCHER, TO APPROVE THE PLANNING COMMISSION REGULAR MEETING MINUTES FOR DECEMBER 19, 2012 AS PRESENTED.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: Received today documents from Neighborhood Planning Council #10 in opposition to the Parks & Recreation Willard Beach Grant project. (handed-out)

Commissioner Godfrey Opened the Public Hearing

6. Public Hearings and Deliberation/Recommendations:

A. Capital Improvement Program (CIP Year 2014-2019): Mr. Jim Ritsema, Assistant City Manager, was present stating a joint workshop with the City Commission and Planning Commission was held on February 6, 2013. Noted a few changes had been made from the

outcome of that workshop discussion; noted the revision to the CIP and replacement of page 76 regarding the Police Department Facility and moving that assessment up to this upcoming year and funding it at \$100,000 dollars for options for that facility. Also a change on page 63 regarding a project description not being carried over in "Parks & Recreation" were provided prior to this meeting and are now seeking approval of the Planning Commission and will then present to the City Commission for approval as well.

With no others wishing to speak, Commissioner Godfrey closed the public hearing.

MOTION BY COMMISSIONER BUSCHER, SUPPORTED BY COMMISSIONER BARKER TO APPROVE THE CAPITAL IMPROVEMENT PLAN YEAR 2014-2019 AS PRESENTED TO INCLUDE THE CORRECTIONS TO PAGES 76 & 63.

Discussion:

Commissioner Spranger asked regarding voting for approval and what exactly he was approving. Mr. Ritsema stated they view this document as a blue print with projects that are based on departmental requests and what they determine to be capital needs for their area. Stated they are not approving individual projects; it is approval of the document and approving that it be forwarded to the City Commission with recommendation that they approve this document. Stated ultimately this is tied in with the Master Plan of the City in theory; which is brought to the Planning Commission as a whole document and is approved as a blue print for the City Commission to consider.

Commissioner Spranger stated he is then not looking at inside individual pieces. Mr. Ritsema stated no, you may have questions regarding them; again as projects are brought forward for funding there will be another approval process through the Commission to authorize funding and contracts, etc.; this is only the identified needs based on staff assessment and dialogue between the Planning and City Commissions.

Commissioner Godfrey asked commissioners for a vote.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

- B. Parks & Recreation – Willard Beach Proposed Grant:** Mr. Ted Dearing, Parks and Recreation, City of Battle Creek, was present to discuss the improvements for Willard Beach. Mr. Dearing stated it was safety concerns for the park that they hope to address, and provided maps outlining the area to be improved; noted they currently have 3.5 acres of beach area that is on the lower level and that the center of the lake shows a shallow area with a channel that crosses the lake and that the current swim buoy area is close to where boats pass. Stated with the relocation of the beach area it would provide a safer area for the swimmers away from the narrow channel area and they plan to preserve the shallow area for the smaller children; noted this change would also accomplish a picnic area for disabled persons with a parking area for them also. Mr. Dearing stated there has been erosion of the current beach area and it now has a rocky surface for beach swimmers; said they would plant grass to eliminate the sand from blowing and causing erosion. Said they would also restore the stairs that are currently in poor condition. Noted they have reached out to many community groups with their improvement plan for the park and have their support; noted that "CIR" is also in support for those with disabilities as it would provide an area for them that is more easily accessible. Stated they would like to submit their application to the

City Commission on March 5, 2013 and have ready by April 1st which is the deadline date for submittal, and would hopefully receive the grant in the Year 2014 to start the project and have completed by the Year 2015.

Commissioner Godfrey Opened the Public Hearing; with no one wishing to speak, Commissioner Godfrey closed the public hearing.

Discussion:

Commissioner Walters asked confirmation of the \$400,000 dollars; that \$300,000 from the DNR Trust and \$100,000 from the City Grant. Mr. Dearing stated the City would match 25% (\$100,000); which would come from the Parks & Recreation contingency monies available that is set aside specifically for Parks and Recreation use in the General & Capital Improvement Fund.

Commissioner Stetler stated he had three questions; asked regarding rangers being on duty and stated he has observed the park often by boat and had never seen any by the beach. Mr. Dearing stated the three rangers are there on a regular basis; Monday through Friday from 2:00 P.M. - 8:00 P.M. (closing), weekends from 11:00 A.M. – 8:00 P.M. and have motorized vehicles with an office within the concession building and patrol the park and beach front in vehicles and on foot.

Commissioner Stetler referenced the N.E. area of a sandy point beach area where there have been swimmers in a non-swimming area which is hazardous more so than the area you are trying to make safer; and asked how to stop the swimmers that are there as it is more dangerous. Mr. Dearing stated they can only patrol the area that is at the park; and that there is a designated area for swimmers and it is difficult to discourage those swimming elsewhere.

Commissioner Stetler stated he thinks fencing should be installed to discourage swimmers from the other areas that are also unsafe. Noted moving the beach will not move the swimmers; as they will swim where they wish.

Mr. Jeff Hovarter, Parks and Recreation Director stated once persons are in the water they have no legal jurisdiction over anyone; said in the past the concrete sea wall had been a popular area in the past and they have addressed it with a fence and tall grass which has worked. Said that the rangers are not lifeguards and once a person is in the water it is the jurisdiction of the County or DNR to regulate. Noted that installing fencing in the area you mentioned would be a problem for persons who do shoreline fishing; as it is one of the most popular areas for fishing and we would not want to eliminate that opportunity. Stated the County or DNR need to regulate persons that are out in the channel swimming in the non-designated swimming areas. Said the County has been informed and needs to enforce the issue.

Commissioner Buscher wanted to make a comment regarding spending \$400,000 to make it safer for swimmers that have swum there and will continue to do so. Said Commissioner Stetler has brought up a good point about “sandy point” and that we are weighing public safety versus inconvenience to a few fishermen and he has a problem with that particular issue. Stated how much safer is the child swimming area going to be closely placed to that first northeast point; feels we are spending a lot of money for public safety for our swimmers and citizens and should be a paramount interest. Said other than a fence to keep the geese out what are we doing with this current plan to protect swimmers, boaters and make enjoyable for citizens as a whole.

Commissioner Godfrey asked about the letter and comment made by NPC #10 regarding the lack of public input for this project; asked if there were any public charrettes held within the community to discuss the formation development of this grant and/or how was the public included or excluded from this process. Mr. Dearing stated this is an issue they have been looking at addressing for a number of years and given the multiple jurisdictions that are involved and the cost associated with doing anything near of in the lake as well as the fairly limited options that they have for moving; as they could not move to the southwest as the only natural location was in one location. Said given the restraints, they had to develop a plan and then get public input on that recommendation and feel they have been fairly active in doing so.

With no others wishing to speak, Commissioner Godfrey closed the public hearing.

MOTION BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE WILLARD BEACH PARK GRANT REQUEST AS PRESENTED.

Commissioner Buscher asked if they have the ability to comment on any design or construction issues once this is approved and goes on to the City Commission. Ms. Hilton stated the request for the Planning Commission is to decide if the grant application meets the goals and objectives of the Parks and Recreation Plan; it does not generally go specific to the design, but the overall goals and objectives. For example providing a safe swimming area is going to be one of the goals and objectives in the plan and does this request meets those goals and objectives.

VOTE ON MOTION: FIVE (5) IN FAVOR (BARKER, BUSCHER, GODFREY, SPRANGER AND WALTERS); ONE (1) OPPOSED (STETLER); MOTION CARRIED.

- C. **Special Use Permit #S-01-13:** Petition from Salvation Army, Major Timothy Pascoe, 400 Capital Avenue, N.E., Battle Creek, MI 49017. Requesting a Special Use Permit of the following described property for use as a Church as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(23), for property located at 400 Capital Avenue, N.E.

Commissioner Godfrey Opened the Public Hearing:

Mr. Matthew VanDyke Attny., Miller Canfield; Mr. Isaac Norris, Architect; and Captain Mike Wolfe were present on behalf of the Salvation Army. Mr. VanDyke stated they are here today to wrap up a loose end of last April's site plan approval and this is for a Special Use Permit to allow use of the site plan previously approved as a church. Said they had attended the Neighborhood Planning Council meeting and received their unanimous approval and is in general agreement with the Planning Department Staff Report's recommendation for approval.

Commissioner Godfrey asked Ms. Hilton if a letter had been received by the Neighborhood Planning Council noting their approval. Ms. Hilton stated, yes an email had been received from the NPC Chairperson giving their unanimous support from their council.

With no others wishing to speak, Commissioner Godfrey closed the public hearing.

MOTION BY COMMISSIONER STETLER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE SPECIAL USE PERMIT FOR USE AS A CHURCH FOR PROPERTY LOCATED AT 400 CAPITAL AVENUE, N.E., AS IT MEETS

THE STANDARDS IN CHAPTER 1290.01(b)(23); BASED ON THE RECOMMENDATIONS AND FINDINGS OUTLINED IN THE STAFF REPORT.

Discussion: None

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

7. **Old Business:** None

8. **New Business:**

A. Election of Officers:

Ms. Hilton stated the City Attorney's office noted that according State law and our bylaws there needs also be an Secretary elected; noted that position is honorary and that she being the Planning Supervisor has acted in that capacity for the Commission in the past.

Commissioner Godfrey noted that having three of the Planning Commission members being excused at today's meeting, two of them being the Chair and Vice-Chair; he suggest the election of new officers be postponed until the next meeting when everyone may be in attendance.

MOTION BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER SPRANGER TO POSTPONE THE ELECTION OF NEW OFFICERS UNTIL THE NEXT PLANNING COMMISSION MEETING.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

9. **Comments by the Public:** None

10. **Comments by the Staff and Commission Members:** Ms. Hilton stated we have received a Special Use Permit application for next month's meeting and if anyone is unable to attend to please let the Planning Department know.

Commissioner Barker noted that he had attended the Capital Improvement Plan Workshop and that he found it to be very helpful; he encourages more in the future as it helped him have a better understanding of the process. Stated he appreciated the documents he received.

11. **Adjournment:** The meeting was adjourned at 4:44 P.M.

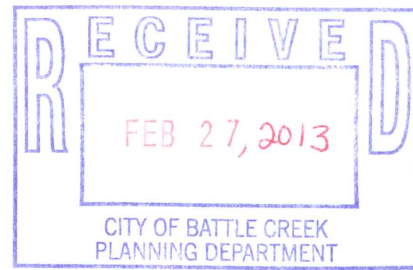
Respectfully Submitted;



Christine M. Hilton, AICP.
Executive Secretary, Planning Commission

February 25, 2013

City Commissioners
Commission Chambers
10 North Division
Battle Creek, MI 49017



Re: Scott Ganton Development

Commissioners:

This is to let you know that Ted Dearing was present at the February 25, 2013 meeting of the Westlake/Prairieview Neighborhood Planning Council and explained and presented maps of the Willard Beach Grant project. He is requesting 25% of the grant from the city do a buy-in. After listening carefully to many points of view on this development, the council sent a letter of opposition for this project.

Sincerely,

Jeff Koteles, Chair
Linda Patenaude, Secretary
NPC #10
Westlake/Prairieview Neighborhood Planning Council

Neighborhood Planning Council #10
Westlake/Prairieview NPC
Jeff Koteles, Chair

February 25, 2013

Ted Dearing
City of Battle Creek

Re: Willard Beach Grant Proposal

Mr Dearing ,

Thank you for coming to the Westlake/Prairieview Neighborhood Planning Council and presenting your proposal for the Willard Beach Grant.

Our membership felt there were concerns and questions about this project and NPC 10 voted by a simple majority to send a letter of opposition to the project after much deliberation. Our concerns were:

- Lack of public input at the beginning of the project
- Loss of sandy beach frontage from 500 ft to 120-150ft.
- Depth of water and boat traffic

Sincerely,

Jeff Koteles, Chairman
Linda Patenaude, Secretary,
Westlake/Prairieview Neighborhood Planning Council (NPC #10)